

PATENT
Docket Number 58060-010200

RESPONSE TO EXAMINER'S REJECTIONS/REMARKS

Responsive to the Office Action mailed January 27, 2005, Applicant thanks the Examiner for her allowance of Claims 7-13 if rewritten in independent form including all the limitations of the base claim and intervening claims. Accordingly, Applicant has rewritten claims 7-13 in independent form as new claims 34-49. Thus, these claims do not present any new matter. Thus, Applicant kindly requests allowance of these claims. With regard to the pending, rejected claims.

The Applicant has amended Claim 1 and presented arguments. The prior art does not show a rotor blade wherein the distal tip of the rotor blade is withdrawn within the outer periphery of the rotor head.

Claim Rejections - 35 – U.S.C. § 103(a)

Examiner has rejected Claims 1-6, and 14 under 35 U.S.C. 103(a) as being unpatentable over Andrews in view of Miller. However, there is no suggestion in the Miller reference to combine the engine cooling fan with a helicopter rotor blade. These references lack the suggestion or motivation to combine references. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2403.01.

(a) No explicit suggestion or motivation to combine references

With respect to an explicit showing, Applicant respectfully submits that Examiner has failed to show where or how the Miller references contain a suggestion or motivation to combine the references. Applicant cannot find a suggestion or teaching in the claims or specification of Miller to use the engine cooling fan as a rotor blade in a helicopter. Therefore, the mere fact that references can be combined or modified does not render the resultant combination obvious

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unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

(a) No implicit suggestion or motivation to combine references

Furthermore, the references lack an implicit suggestion or motivation to combine references. The MPEP states that, "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also, MPEP 2403.01.

In the present case, the nature of the problem to be solved as a whole *does not* suggest to those of ordinary skill in the art to combine the Miller engine fan with a helicopter. Thus, they cannot render the elements Claims 1-6, 14, and 15 as obvious. Thus, Applicant respectfully requests that the Examiner also withdraw these rejections as to Claims 1-6, 14, and 15.

CONCLUSION

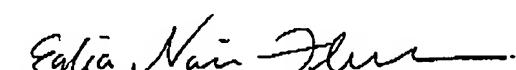
Applicant respectfully requests withdrawal of the election requirement on either of the bases as discussed. Such action on the part of the Examiner is respectfully requested. Applicant respectfully submits that the application is in good and proper form for allowance. The Examiner is cordially invited to telephone the undersigned for clarification or for comments regarding the above response to expedite prosecution of this application.

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Authorization is hereby given to charge any additional fees or credit overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket Number 58060-010200 when charging any payments or credits in connection with this application.

Respectfully submitted,

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